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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,916	09/29/2003	Paul David Zarn	9047.29US01	8987
22235	7590	09/11/2006	[REDACTED]	EXAMINER
MALIN HALEY AND DIMAGGIO, PA 1936 S ANDREWS AVENUE FORT LAUDERDALE, FL 33316			KING, ANITA M	
			[REDACTED]	ART UNIT
				PAPER NUMBER
			3632	

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/674,916	ZARN, PAUL DAVID	
	Examiner Anita M. King	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 June 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,2,4-6,9,11,12 and 14-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 12 and 14-36 is/are allowed.
- 6) Claim(s) 1,2,4-6,9 and 11 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 June 2006 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____   | 6) <input type="checkbox"/> Other: _____                          |

Art Unit: 3632

This is the third office action for application number 10/674,916, Accessory Mounting System for a Boat, filed on September 29, 2003.

***Drawings***

The drawings were received on June 30, 2006. These drawings are acceptable.

***Response to Amendment***

The indicated allowability of claims 6 and 8 is withdrawn in view of the newly discovered reference(s) to Weimerskirch. Rejections based on the newly cited reference(s) follow.

***Cancellation of Claims***

Claims 3, 7, 8, 10, and 13 have been canceled per applicant's request.

***Claim Rejections - 35 USC § 112***

Claims 1, 2, 4-6, 9, and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 has ambiguous claim terminology where it is unclear whether latter recitations of originally cited terminology are intended to refer to the originally cited terms. It is unclear if "a first enlarged width portion," in line 9 and "a second enlarged

"width portion" in line 10 of the claim are intended to refer to the original recitation of the terms "a first portion" in line 4 and "a second portion" bridging lines 4 and 5.

Claim 1 recites the limitation "the accessory mount" bridging lines 5 and 6. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 2, 6, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,322,296 to Weimerskirch. Weimerskirch discloses an accessory mounting device and track assembly comprising: an accessory mounting bracket (56); a slide connector (18a or 18b) including a first portion that fits within a track (32) and a second portion over which the accessory mounting bracket is slide to secure an accessory (22b), the accessory mounting bracket being slid over the slide connector in a direction generally parallel to the track; the slide connector including a first enlarged width portion that fits within the mounted bracket a second enlarged width portion that fits within the track, and a reduced width portion that connects to the first and second enlarged width portions; the slide connector being generally symmetrical in cross section and generally I-beam shaped; the accessory mounting bracket being a complementary shape to accommodated and receive the slide connector; the slide connector and the accessory mounting bracket being selectively positionable within the track in a plurality of locations; wherein the accessory mounting bracket and the slide

connector each have a plastic construction; wherein the slide connector includes at least two pieces (48 and 50); wherein an accessory (22b) is mounted to the accessory mounting bracket;

***Allowable Subject Matter***

Claims 4, 5, and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 12 and 14-36 are allowed.

***Response to Arguments***

Applicant's arguments with respect to claims 1, 2, 6, and 9 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,481,679 to Bennett et al.

U.S. Patent 6,698,603 to Lawson et al.

U.S. Patent 6,871,749 to Bostick et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (571) 272-6817. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Anita M. King  
Primary Examiner  
Art Unit 3632

September 5, 2006